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Docket No.: 61352-046

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Yasuo TAKEBE, et al.	:	Confirmation Number: 5764
	:	
Serial No.: 10/696,505	:	Group Art Unit: 1745
	:	
Filed: October 30, 2003	:	Examiner: Raymond Alejandro
	:	
For: METHOD OF OPERATING FUEL CELL SYSTEM AND FUEL CELL SYSTEM	:	

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the second Restriction Requirement mailed September 7, 2006 setting a shortened one-month statutory period for reply. Therefore, a response is due on or before Monday, October 9, 2006.

The Examiner acknowledged our previous election to prosecute the method claims of Group II and the apparatus depicted in Figure 12 in this application. However, because we stated that the elected methods are best reflected by the results shown in Figures 20-27, the Examiner now requires a species election of one of the methods shown in each of these Figures.

The Examiner argues that each species (1 through 8) represented in each Figure (20 through 27), respectively, is patentably distinct because they represent mutually exclusive embodiments which do not overlap in scope.

Applicants elect species 8 *i.e.*, to one shown in Figure 27, with traverse. Applicants also note that claim 80 represents the broadest claim covering the method depicted in Figure 27.

CONCLUSION

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Please recognize our Customer No. 20277
as our correspondence address.**